

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LARRY TATE,

Plaintiff,

vs.

CAPITAL BANK,

Defendant.

Civil Action No. 17-CV-12221

HON. BERNARD A. FRIEDMAN

**ORDER ACCEPTING MAGISTRATE JUDGE PATTI'S  
REPORT AND RECOMMENDATION**

This matter is before the Court on plaintiff's complaint [docket entry 1]. Plaintiff filed the instant complaint in July 2017 but did not serve defendant. So in December, Magistrate Judge Patti ordered plaintiff to show cause by January 22 why the case should not be dismissed for plaintiff's failure to comply with Fed. R. Civ. P. 4(m). Plaintiff has still not answered that order to show cause. Therefore, Magistrate Judge Patti's Report and Recommendation ("R & R") recommends that the Court dismiss the complaint for failure to comply with Rule 4(m) [docket entry 10].

Having reviewed the docket, plaintiff's complaint, and the R & R, the Court agrees with the R & R. Accordingly,

IT IS ORDERED that the R & R is accepted and adopted as the findings and conclusions of this Court, and the case is dismissed for failure to comply with Rule 4.

Dated: April 16, 2018  
Detroit, Michigan

s/Bernard A. Friedman  
BERNARD A. FRIEDMAN  
SENIOR UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 16, 2018.

s/Johnetta M. Curry-Williams

Case Manager